STATE OF NEW YORK

7904--A

2023-2024 Regular Sessions

IN ASSEMBLY

July 19, 2023

Introduced by M. of A. VANEL, HYNDMAN, SIMON, JACKSON, ZACCARO, SEPTIMO, GLICK -- Multi-Sponsored by -- M. of A. LEVENBERG -- read once and referred to the Committee on Election Law -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to requiring disclosure of the use of artificial intelligence in political communications

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 14-106 of the election law is amended by adding a new subdivision 5 to read as follows:

5. (a) Any political communication, regardless of whether such communication is considered a substantial or nominal expenditure, that uses an image or video footage that was generated in whole or in part with the use of artificial intelligence, as defined by the state board of elections, shall be required to disclose that artificial intelligence was used in such communication in accordance with paragraphs (b), (c), and (d) of this subdivision. Any failure to disclose such information shall result in a fine equal to the amount expended on such communication.

(b) For printed or digital political communications, including but not limited to brochures, flyers, posters, mailings, or internet advertising, the disclosure required under paragraph (a) of this subdivision shall be printed or typed in an appropriate legible form to read as follows: "This communication was generated using artificial intelligence".

(c) For non-printed and non-digital political communications, the disclosure required under paragraph (a) of this subdivision shall clearly and prominently display and/or verbally communicate the following

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD11856-04-4

statement: "This communication was generated using artificial intelligence".

(d) For political communications that are not visual, such as radio or automated telephone calls, the disclosure required under paragraph (a) of this subdivision shall clearly verbally communicate the following statement: "This communication was generated using artificial intelligence".

§ 2. Section 3-102 of the election law is amended by adding a new subdivision 19 to read as follows:

19. issue instructions and promulgate rules and regulations relating to: (a) criteria for determining whether a political communication contains an image or video footage created through generative artificial intelligence; and (b) a definition of content generated by artificial intelligence that considers current and future uses of artificial intelligence and similar technologies that have a high risk for use in creating and spreading misinformation or disinformation about candidates, elections, and issues of concern to the state of New York.

§ 3. This act shall take effect immediately; provided, however, that the provisions of section two of this act shall take effect on the one hundred twentieth day after it shall have become a law.